

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROLANDO JAVIER COLON,
Plaintiff,

CIVIL ACTION

v.

BUDGET/AVIS RENTAL CAR LLC,
Defendant.

NO. 20-4078

ORDER

AND NOW, this 14th day of September, 2020, upon consideration of Rolando Javier Colon's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and *pro se* Complaint (ECF No. 2), **IT IS ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Rolando Javier Colon, #20621, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Northampton County Prison or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Colon's inmate account; or (b) the average monthly balance in Colon's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Colon's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Colon's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of Northampton County Prison.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED** for the reasons discussed in the Court's Memorandum. Colon's federal claims are **DISMISSED WITH PREJUDICE**. To the extent that Colon has intended to assert state law claims, any state law claims are **DISMISSED WITHOUT PREJUDICE** for want of subject matter jurisdiction.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.